

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,

Plaintiff,

v.

DAVID BAUGHMAN, et al.,

Defendants.

No. 2:20-cv-1496 DAD DB P

ORDER

Plaintiff is a state prisoner proceeding with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants were deliberately indifferent to his medical needs when they required him to use stairs despite having a “no stairs” chrono and he fell injuring his knee. On March 14, 2023, defendant Soltanian filed a motion for sanctions. In a document filed here on May 1, plaintiff requested a 180-day extension of time to respond to the motion. Among other things, plaintiff stated that he was unable to keep his legal materials from being damaged by rain and that some have been lost. Before ruling on plaintiff’s request for an extension of time, this court ordered defendants’ counsel to inquire about the storage of plaintiff’s legal materials. (See ECF No. 90 at 2-3.)

On June 29, counsel filed that response. Counsel states that they contacted Receiving and Release Officer A. Medina at Salinas Valley State Prison where plaintiff is currently incarcerated. Officer Medina informed counsel that: (1) plaintiff maintains two boxes of legal materials in the

1 Legal Connex part of the Receiving and Release area; (2) plaintiff is able to regularly schedule  
2 access to these boxes, and is able to store as much legal material in the Legal Connex of  
3 Receiving and Release as necessary; (3) there have been no water leaks or other similar problems  
4 in that storage area; and (4) Officer Medina visually inspected plaintiff's boxes and found no sign  
5 of water damage. (ECF No. 91.)

6 While he was not required to do so, plaintiff has not countered Officer Medina's  
7 statements by responding to the June 29 filing. In any event, plaintiff has now had almost five  
8 months to respond to Soltanian's March 14 motion for sanctions. If plaintiff was missing  
9 documents, he should have been able to replace them during this time. Plaintiff will be given a  
10 deadline to respond to the March 14 motion. As plaintiff has been advised more than once, if he  
11 fails to timely respond to discovery, motions, or orders, he may be subject to sanctions, which  
12 could include monetary sanctions, dismissal of defendant Soltanian, or dismissal of this entire  
13 action.

14 Plaintiff also states in his May 1 filing that he has mental health issues that make it  
15 difficult to litigate this case. This court is sympathetic to his difficulties. However, if plaintiff  
16 needs additional time to prepare filings or respond to discovery, plaintiff should file a request for  
17 additional time prior to the deadline for the filing or response. See E.D. Cal. R. 144(d).

18 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's May 1 motion for  
19 an extension of time (ECF No. 89) is granted in part. Within thirty days of the filed date of this  
20 order, plaintiff shall file a response to defendant Soltanian's March 14 motion for sanctions. If  
21 plaintiff fails to file a timely response, this court will impose sanctions. Plaintiff will be given no  
22 further extensions of time to respond to Soltanian's motion.

23 Dated: August 10, 2023

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26   
27 DEBORAH BARNES  
28 UNITED STATES MAGISTRATE JUDGE

DLB:9/DB Prisoner Inbox/Civil Rights/R/holm1496.solt mot for sanc oppo eot